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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,135	01/28/2004	Masayuki Soga	118023	3592

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

SY, MARIANO ONG

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,135

Applicant(s)

SOGA, MASAYUKI

Examiner

Mariano Sy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01282004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:

page 7, line 31 "lower that" should be --lower than--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawahata et al. (US 6,425,644).

Re-claims 1-17 Kawahata et al. disclosed, as shown in fig. 1 and 12, a vehicular braking control apparatus comprising: a master cylinder 80; a first communication passageway that connects the master cylinder and a wheel cylinder; a first open-close valve 152 disposed on the first communication passageway; a stroke simulator 159 that is connected to the first communication passageway between first open-close valve and master cylinder; a pressurization source 12 that generates a predetermined pressure; a hydraulic pressure adjusting portion 280 that connects the pressurization source and the first communication passageway between the first open-close valve and the wheel cylinder; a hydraulic pressure sensor 210 that detects the hydraulic pressure on the first communication passageway between the first open-close valve and the master cylinder;

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a control portion 32 that, while a brake is not operated, closes the first open-close valve, and controls the hydraulic pressure adjusting portion so as to increase the hydraulic pressure on a wheel cylinder side of the first communication passageway while maintaining a closed state of the first open-close valve, and then opens the first open-close valve, and determines whether there is an abnormality of the stroke simulator based on a change in outputs of the hydraulic pressure sensor before and after the first open-close valve is opened (see col. 11, lines 4-64; col. 34, lines 35 – col. 36, lines 8; col. 36, lines 38-64).

Re-claim 18, notification device 252 (see fig. 1 and col. 34, lines 61-63).

Re-claim 19, method for detecting an abnormality of a braking apparatus that has a stroke simulator, (see fig. 1 and 12; and col. 11, lines 4-64; col. 34, lines 35 – col. 36, lines 8; col. 36, lines 38-64).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Winner et al.	(US 5,588,718)
Steiner et al.	(US 5,887,954)
Campau et al.	(US 5,941,608)
Binder et al.	(US 6,076,897)
Takayama et al.	(US 6,079,793)
Schunck et al.	(US 6,158,825)
Kusano	(US 6,290,310)

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Soga et al. (US 6,572,200)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.


The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

March 1, 2005


3/3/05
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310